

Law and Communications Policy Seminar  
at



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April 17, 2002

Via Electronic Filing

William F. Caton  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW TW-A325  
Washington, DC, 20554

Re: *Ex Parte* Notice, CS Docket 01-348

Dear Mr. Caton:

In accordance with §1.1206 of the Commission's rules, we hereby submit this letter to report that on April 16, 2002, Anna Sumner, Morgan Streetman, Gregory Manter, Sara Lester and Aaron Futch of the Law and Communications Policy Seminar at Duke Law ("the Seminar students") and Professor William J. Freedman, supervisor to the Seminar students, met with:

Susan Eid (Legal Advisor to Chairman Powell)  
Jordan Goldstein (Senior Legal Advisor to Commissioner Copps)  
Bryan Tramont (Senior Legal Advisor to Commissioner Abernathy)

At the meeting, the Seminar students discussed their views on the proposed merger between EchoStar and Hughes Electronics Corporation ("the Applicants"). The Seminar students explained that the Applicants have not met their burden of demonstrating that the merger, on balance, is in the public interest. In order to approve the merger, the Commission must be convinced that public benefits will flow from the merger and overcome any presumption of harm arising from increased ownership concentration. The Seminar students explained that, because the merger would establish a virtual monopoly in the DBS market and EchoStar has a track record of disingenuousness behavior and repeated violations of the Communications Act and FCC Rules, the public interest weighs against a conditioned approval of the merger. The Seminar students emphasized that conditions would likely prove to be an ineffective mechanism for safeguarding the public interest. According to the Seminar students, the public interest necessitates that the merger be blocked.

Respectfully submitted,

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